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8 Attorney for Defendant and Counterclaim
9 Plaintiff STEVEN KIM

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 SECOND MEASURE, INC., a Delaware
14 Corporation,

15 Plaintiff,

16 v.

17 STEVEN KIM, INC., an individual,

18 Defendant(s).

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20
21 And Related Counterclaims
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CASE NO.: 3:15-CV-03395

**STIPULATED REQUEST BY ALL
PARTIES TO MODIFY CASE
MANAGEMENT SCHEDULE**

STIPULATION IS GRANTED IN PART,
DENIED IN PART.

1 WHEREAS, by order dated November 12, 2016, this Court established a non-expert
2 discovery cut off date and deadline for expert disclosures required by the Federal Rules of Civil
3 Procedure of May 2, 2016, and a cut off date for expert discovery of May 16, 2016;

4 WHEREAS, Nitoj P. Singh, counsel for Plaintiff and Counterclaim Defendant Second
5 Measure, Inc. ("Second Measure"), Counterclaim Plaintiffs and Defendants Michael Babineau and
6 Lillian Chou, will be traveling out of the country, and generally unavailable, from May 7, 2016 to
7 May 21, 2016;

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9 WHEREAS, a dispute has arisen among the parties regarding whether certain documents
10 and information regarding the financial results and financial value of Plaintiff and Counterclaim
11 Defendant Second Measure, Inc. are required to be provided in discovery to Defendant and
12 Counterclaim Plaintiff Steven Kim ("Mr. Kim");

13 WHEREAS, the parties, through their counsel, are currently working in good faith to
14 resolve that dispute without the intervention of the Court;

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16 WHEREAS, Mr. Kim contends that the financial documents and information that have not
17 been provided are essential to allow an expert to value Second Measure for the purposes of
18 reaching an expert opinion regarding damages in the action;

19 WHEREAS, the parties seek to continue certain discovery deadlines so as to limit costs
20 incurred prior to a further mediation in this action, in an effort to facilitate settlement;

21 WHEREAS, all parties to this action have agreed, subject to Court approval, to extend the
22 deadline for non-expert discovery by approximately 40 days to June 13, 2016, expert disclosures
23 and expert discovery by 60 days, until and including July 1, 2016 for expert disclosures, and July
24 14, 2016, for expert discovery, and to move the date for hearing on all dispositive and Daubert
25 Motions from July 22, 2016, until September 22, 2016, or such other date as may be convenient to
26 the Court;
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1 WHEREAS, the extension of these deadlines will serve the interests of judicial economy
2 and efficiency by permitting all parties to continue meeting and conferring in good faith to work
3 out their discovery dispute without the necessity of either party seeking Court intervention in the
4 discovery dispute at this time;

5 **THE PARTIES HEREBY STIPULATE THAT:**

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7 1. The cut off for non-expert discovery is extended from May 2, 2016, until and including
8 June 13, 2016;

9 2. The deadline for expert disclosures required by the Federal Rules of Civil Procedure is
10 extended from May 2, 2016, until July 1, 2016.

11 3. The cut off for expert discovery is extended from May 16, 2016, until and including
12 July 14, 2016.

13 ~~4. All dispositive motions and Daubert motions shall be heard on September 22, 2016.~~ - JCS
14 The Court will not change the dispositive motion hearing/Daubert motions, final pretrial conference
15 DATED: April 6, 2016 and jury trial dates.

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17 THE LAW OFFICES OF THOMAS V. CHRISTOPHER

18 By: /s/ Thomas Christopher
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21 Attorney for
22 STEVEN KIM

23 DHILLON LAW GROUP INC.

24 By: /s/ Nitoj P. Singh
25 NITOI P. SINGH

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28 SECOND MEASURE, INC.,
MICHAEL BABINEAU and
LILLIAN CHOU

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

2
3 Dated: April 7, 2016

